

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:12 CR 06-1**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
REGINA DAWN BIRD.)	
)	
)	

THIS CAUSE came on to be heard before the undersigned at the close of a Rule 11 proceeding that was held before this court on May 9, 2012. It appearing to the court at the call of this matter on for hearing the defendant was present with her attorney, Tony Rollman and the government was present and represented through Assistant United States Attorney John Pritchard. From the arguments of counsel for the defendant and the arguments of the Assistant United States Attorney and the records in this cause, the court makes the following findings:

Findings. On February 8, 2012 a bill of indictment (#1) was issued charging the defendant with four counts of robbery and one count of first degree burglary, in violation of 18 U.S.C. § 2111, 18 U.S.C. § 13 and N.C.G.S. § 14-51. On May 9, 2012, the undersigned held and inquiry, pursuant to Rule 11 of the Federal Rules of Criminal Procedure and accepted a plea of guilty of the defendant to one count of robbery in violation of 18 U.S.C. § 2111. At the close of the Rule 11 proceeding, this

court presented the issue of whether or not defendant should now be detained, pursuant to 18 U.S.C. § 3143(a)(2).

Discussion. 18 U.S.C. § 3143(a)(2) provides as follows:

(2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 and is awaiting imposition or execution of sentence be detained unless ----

(A)(i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or

(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; or

(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

From an examination of the records in this cause, it appears the defendant has now entered a plea of guilty to robbery in violation of 18 U.S.C. § 2111. That crime is one of the crimes that is referenced under 18 U.S.C. § 3142(f)(1)(A). The undersigned made an inquiry of Assistant United States Attorney John Pritchard as to whether or not there was going to be a recommendation from the government that no sentence of imprisonment be imposed upon the defendant. Mr. Pritchard advised the court that such a recommendation could not be made in this matter. As a result of the plea of guilty of defendant, the undersigned cannot find there is a substantial likelihood that a motion for acquittal or new trial will be granted. It would thus

appear, and the court is of the opinion that the court is required to apply the factors as set forth under 18 U.S.C. § 3143(a)(2) which compel the detention of defendant.

ORDER

IT IS, THEREFORE, ORDERED, that the terms and conditions of pretrial release in this matter are hereby **REVOKED** and it is **ORDERED** the defendant be detained pending further proceedings in this matter.

Signed: May 14, 2012

Dennis L. Howell
Dennis L. Howell
United States Magistrate Judge

